

# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/775,036 | 02/09/2004 | Gideon Roberts | 1568.605 | 6911 |

44208 7590 02/15/2005

DOCKET CLERK
PO BOX 12608
DALLAS, TX 75225

| EXAMINER | |
|---|---|
| GELIN, JEAN ALLAND | |
| **ART UNIT** | **PAPER NUMBER** |
| 2681 | |

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/775,036 | ROBERTS, GIDEON | |
| | Examiner | Art Unit | |
| | Jean A Gelin | 2681 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *09 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/31/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Seekins et al. (US 5,937,351).

Regarding claims 1 and 5, Seekins teaches a method for taking measurements in a mobile telecommunications system, the system comprising a network of a plurality of cells and at least one user equipment device (as shown in fig. 1), the method comprising, at the user equipment device (100): scanning frequency bands to generate measurement data for signals received from cells of the network (i.e., scanning control frequency to find the strongest carrier signals, col. 2, lines 45-67, col. 3, lines 6-14); and when the signals received from cells of the network include more than one signal in a

frequency band, generating measurement data for more than one signal in the frequency band (i.e., ordering the carrier signals from the strongest to the weakest, col. 4, lines 15-42).

Regarding claim 3, Seekins teaches determining whether the measurement data meets a predetermined criterion and storing the measurement data in an order relative to the meeting of the criterion (col. 2, lines 45-54, col. 4, lines 18-42).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seekins et al. in view of Schwinke (US 2003/0069019).

Regarding claims 2 and 6, Seekins teaches identifying from the generated measurement data the cell which best meets a cell selection criteria (i.e., determining if the signal meet the criteria, col. 3, lines 15-25); determining whether the identified cell is suitable (col. 3, lines 15-49).

Seekins does not specifically teach when the identified cell is deemed unsuitable, identifying from the generated measurement data the cell with the next strongest signal at any frequency and determining whether the newly identified cell is suitable.

However, the preceding limitation is known in the art of communications. Schwinke teaches when the first operating band is not available, the cellular phone

tunes to the second operating band and scans for the strongest signal to camp on (sections 33-38). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Schwinke within the system of Seekins in order to provide a method for reducing the number of blocked phone calls and increase the cellular phone call capacity.

Regarding claims 4 and 7, Seekins teaches all the limitations above except when the identified cell is deemed unsuitable, re-initiating the scanning step with the omission from the scan of the frequency band of the cell previously identified as the cell which best meets a cell selection criterion.

However, the preceding limitation is known in the art of communications. Schwinke teaches when voice channel is unavailable in the first carrier, switching to the second carrier, and scanning the second carrier for the strongest signal (sections 33-38). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Schwinke within the system of Seekins in order to provide a method for reducing the number of blocked phone calls, increase the cellular phone call capacity, and make the system faster by reducing the number of channels to scan.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

| | | |
|---|---|---|
| Lehtinen | US 5,983,081 | 11/09/1999 |

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (703) 306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin
February 11, 2005 Jean Alland Gelin